

1 Fred von Lohmann, Esq. (State Bar No. 192657)  
2 Matthew J. Zimmerman, Esq. (State Bar No. 212423)  
3 ELECTRONIC FRONTIER FOUNDATION  
4 454 Shotwell Street  
5 San Francisco, CA 94110  
6 Telephone: (415) 436-9333  
7 Facsimile: (415) 436-9993

8  
9 Attorneys for *Amicus Curiae*  
10 Electronic Frontier Foundation

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ECHOSTAR SATELLITE LLC, et al.

Plaintiffs,

v.

FREETECH, INC and DOES 1-10,

Defendants.

Case No. 07-6124 (JW) (RS)

**DECLARATION OF FRED VON  
LOHMAN IN SUPPORT OF MOTION  
OF THE ELECTRONIC FRONTIER  
FOUNDATION FOR LEAVE TO FILE  
AMICUS CURIAE BRIEF AND TO  
SHORTEN TIME**

1 I, Fred von Lohmann, declare as follows:

2 1. I am a staff attorney with the Electronic Frontier Foundation (EFF), duly licensed to  
3 practice law in the State of California.

4 2. Defendant Freetech, Inc. has consented to the filing of an *amicus curiae* brief by EFF in  
5 support of Defendant Freetech's Motion for Protective Order.

6 3. On August 12, 2008, I contacted Mr. Chad Hagan, counsel for Plaintiffs, to inquire  
7 whether Plaintiffs would consent to the filing the *amicus curiae* brief by EFF. On August 14,  
8 2008, I was informed by Mr. Hagan that Plaintiffs would not consent to the filing of the brief.

9 4. Under Local Rule 7-2, motions must ordinarily be filed 35 days before the calendared  
10 hearing. However, EFF's proposed *amicus* brief is submitted in support of a motion that was itself  
11 filed exactly 35 days before it was calendared for hearing. In the interests of efficiency and judicial  
12 economy, EFF respectfully moves the court to shorten the time in which it may file the proposed  
13 *amicus curiae* brief so that it will be heard on September 15, 2008, along with the underlying  
14 motion that it supports.

15  
16 I declare under penalty of perjury under the laws of the State of California that each of the  
17 above statements is true and correct. Executed August 15, 2008, in San Francisco, California.

18  
19 \_\_\_\_\_/s/

20 Fred von Lohmann

21

22

23

24

25

26

27

28